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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,664	09/25/2003	Albrecht Mayer	J&R-1125	8359
24131	7590	04/14/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			PUENTE, EMERSON C	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	

2113

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/670,664	Applicant(s) MAYER, ALBRECHT	
	Examiner Emerson C. Puente	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 9-18 and 22-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is made **Non-Final**. Claims 1-26 have been examined.

Drawings

Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "an OCDS module consisting of a plurality of components" (see line 2 of claim) and "a plurality of components" (see line 7 of claim). Examiner is uncertain whether the plurality of components, as cited in line 7 of claim, is the same plurality of components, as cited in line 2 of claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,922,794 of Tagawa et al. referred hereinafter “Tagawa”.

In regards to claim 1, Tagawa discloses:

an OCDS module consisting of a plurality of components (see figure 4 and column 3 lines 19-25);

a plurality of first supply voltage connections for applying a first supply voltage (see figures 2 and 6 and column 3 lines 1-10 and column 4 lines 24-30);

a plurality of second supply voltage connections for applying a second supply voltage (see figures 2 and 6 and column 3 lines 1-10 and column 4 lines 24-30);

a plurality of components configured for being supplied with power by the first supply voltage (see column 3 lines 1-10);

at least some of said plurality of components of said OCDS module configured for being supplied with power by the second supply voltage (see column 3 lines 1-10).

In regards to claim 2, Tagawa discloses:

wherein said plurality of components configured for being supplied with power by the first supply voltage cannot also be supplied with power by the second supply voltage (see column 3 lines 1-10 and column 4 lines 24-30).

In regards to claim 3, Tagawa discloses:

wherein said at least some of plurality of components of said OCDS module that are configured for being supplied with power by the second supply voltage cannot also be supplied with power by the first supply voltage (see column 3 lines 1-10 and column 4 lines 24-30).

In regards to claim 4, Tagawa discloses:

wherein said OCDS module is configured to be connected to an external debugger (see figure 2 items 2, 5 and column 2 lines 65-67) and said OCDS module is configured for interacting with the debugger to debug programs executed by the program controlled unit (see column 3 lines 60-67).

In regards to claim 5, Tagawa discloses:

said OCDS module is configured to be controlled by the debugger (see column 3 lines 40-45);

and said OCDS module is configured to execute particular actions actuated by the debugger (see column 3 lines 40-45).

In regards to claim 6, Tagawa discloses:

wherein said at least some of said plurality of components of said OCDS module that are configured for being supplied with power by the second supply voltage include components that have a state dependent on an actuation by the debugger (see column 3 lines 25-55).

In regards to claim 7, Tagawa discloses:

wherein said at least some of said plurality of components of said OCDS module that are configured for being supplied with power by the second supply voltage include only components that have a state dependent on an actuation by the debugger (see column 3 lines 25-55).

In regards to claim 8, Tagawa discloses:

a control device configured for putting said OCDS module into a state prescribed by the debugger (see figure 4 item 51 and column 3 lines 19-25)

In regards to claim 19, Tagawa discloses:

wherein all of said plurality of components of said OCDS module are configured for being supplied with power by the second supply voltage (see column 3 lines 1-10 and column 5 lines 24-30).

In regards to claim 20, Tagawa discloses:

providing a program controlled unit including an OCDS module for executing particular actions actuated by an external debugger connected to the program controlled unit (see figure 2 items 2,5 and column 2 lines 60-67 and column 3 lines 40-45);

supplying at least a portion of the OCDS module with power before supplying other components of the program controlled unit with power (see column 7 lines 54-60); and

from the debugger, supplying the OCDS module with control information prescribing a particular state of the OCDS module (see column 3 lines 40-45 and 53-54).

In regards to claim 21, Tagawa discloses

immediately putting the OCDS module into the state prescribed by the control information (see column 3 lines 53-54).

Allowable Subject Matter

Claim 9-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 22-26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C Puente whose telephone number is (571) 272-3652.

The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ecp


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